

IC 2003-1 TO AFI 36-3024, TRANSITIONAL COMPENSATION FOR ABUSED DEPENDENTS

15 SEPTEMBER 2003

★SUMMARY OF REVISIONS

This change incorporates interim change (IC) 2003-1 (attachment 2). Updates System of Records (purpose paragraph); rewords paragraph to fall in line with DoD Financial Management Regulation, Volume 7B, chapter 60 (paragraph 1.2); changes entitlement to medical and dental care from one year to entire period of Transitional Compensation (paragraph 5.9.1); adds Information Collections, Records, and Forms paragraph (paragraph 11) and updates references to publication numbers and deletes obsolete references (attachment 1); and updates office symbols and phone numbers for government offices throughout publication. See the last attachment of the publication, IC 2003-1, for the complete IC. A bar (/) indicates revision from the previous edition.

★OPR: HQ AFPC/DPSFM (MSgt Donald Taylor)

★Supersedes: AFI 36-3024, 1 February 1998.

★Certified by: HQ AFPC/DPS (Col Michael Schiefer)

★This Air Force Instruction (AFI) implements policy, assigns responsibilities, and establishes administrative and management guidelines for transitional compensation for abused dependents and provides instructions for processing claims. It implements Air Force Policy Directive 36-30, *Military Entitlements*, and Department of Defense Instruction 1342.24, *Transitional Compensation for Abused Dependents*. This instruction requires maintaining information protected by the Privacy Act of 1974, as authorized by Title 5, United States Code (U.S.C.), Section 552a. System of Records Notice F065 AFAFC J, *Pay and Allotment Records* applies. Refer to attachment 1 for a glossary. The Military Personnel Flight (MPF) will be the office of primary responsibility (OPR) for this program.

★1.1. For application, the MPF may contact or have the applicant contact: DFAS-CL/RPBFS (ATTN: Les Tucker) P.O. Box 998011, Cleveland OH 44199-8002 or call Commercial (216) 522-5977 or DSN: 580-5977, Fax: Commercial (216) 522-6470 or DSN: 580-6470. **The application form for this program is the DD Form 2698, Application for Transitional Compensation. This form must be typed.**

★1.2. An applicant cannot receive both the percentage of retirement pay and transitional compensation at the same time. If a spouse or former spouse is receiving transitional compensation payments and later is determined to be eligible for and receives payments

under 10 U.S.C. 1408(h), any amounts of transitional compensation received must be recouped.

★1.3. DFAS-CL/RPBFS will correspond directly with the applicant in lieu of the MPF.

★3.1. **Dependent-Abuse Offenses.** An offense by a military member on active duty for more than 30 days involving abuse against a current spouse or a dependent child of the member. This is a criminal offense as defined by Title 10, U.S.C., Sections 801-940 or other criminal code and is applicable to the jurisdiction where the act of abuse is committed. Examples include crimes such as sexual assault, rape, sodomy, battery, murder, and manslaughter.

★5.1.6. Children residing away from an eligible spouse are not entitled to apply for compensation. (**EXAMPLE:** A dependent child moves out of the home of the eligible spouse and moves in with a grandparent. The child would not be able to apply for compensation in their own right.)

★5.6. **Coordination of Benefits.** A spouse may not receive payments under both sections 1059 and 1408(h)(1) of Title 10, U.S.C. (See paragraph 1.2 in this instruction.)

★5.8. **ID Cards.** Issue an identification card with the authorized benefits in accordance with AFI 36-3026, *Issuing and Controlling Identification Cards*, chapter 5 and attachment 2.

★5.9.1. Eligible dependents of a member who receives a dishonorable or bad conduct discharge, is dismissed as a result of a court-martial conviction, or is administratively separated for a dependent abuse offense are entitled to medical or dental care for problems associated with the abuse under Title 10, U.S.C., Section 1076(e). Entitlement to such care is limited to the period for which the abused dependent is receiving compensation. Eligibility will be granted only upon request to the Secretary of the Air Force (AFI 41-115, *Authorized Health Care and Health Care Benefits in the Military Health Services System [MHSS]*).

★5.9.2.1. Contact the local MTF for additional information and guidance on medical or dental benefits under AFI 41-115, *Authorized Health Care and Health Care Benefits in the Military Health Services System (MHSS)*.

★6.1.1. Monitor and guide subordinate units. Refer problems or questions to HQ AFPC/DPSFM (see paragraph 10.10.3. of this instruction for address and phone number).

★6.4.1. Assign an element in the MPF to administer the program. Provide point of contact (POC) information (i.e., office symbol, duty phone, and FAX number) to HQ AFPC/DPSFM, 550 C Street West, Suite 37, Randolph AFB TX 78150-4739. Update POC information as needed.

★**9.4. Non-Payment.** No payment will be made if the date in Item 20 is before 30 November 1993. In the case when the convening authority approved the court-martial sentence on a date prior to 30 November 1993, but the execution of discharge was 30 November 1993 or after, use the later date in Item 20 (**EXAMPLE:** Convening authority approves court-martial sentence on 25 August 1992, but the execution of discharge was on 6 January 1994, then you would use 6 January 1994 in Item 20). (See paragraph 9.2.2.)

★10.10.1. DFAS-CL/RPBFS (ATTN: Les Tucker) P.O. Box 998011, Cleveland OH 44199-8002 or call Commercial (216) 522-5977 or DSN: 580-5977, Fax: Commercial (216) 522-6470 or DSN: 580-6470.

★10.10.2. Mail a courtesy copy of the approved application (DD Form 2698) and direct deposit form (or) waiver to AF/DPPCL, 1040 Air Force Pentagon, Washington D.C. 20330-1040 or DSN FAX to 224-0099 (DSN voice number: 225-0060).

★10.10.3. Mail a courtesy copy of the approved application (DD Form 2698) and direct deposit form (or) waiver to HQ AFPC/DPSFM, 550 C Street West, Suite 37, Randolph AFB TX 78150-4739 or DSN FAX to 665-2543 (DSN voice number: 665-3415).

★11. Information Collections, Records, and Forms.

11.1. Information Collections. No information collections are created by this publication.

11.2. Records. No records are created by this publication.

11.3. Forms.

11.3.1. Adopted Forms. DD Form 2698, **Application for Transitional Compensation**, and DD Form 214, **Certificate of Release or Discharge From Active Duty**,

11.3.2. Prescribed Forms. No forms are prescribed in this publication.

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFPD 36-30, *Military Entitlements*

★AFI 36-3026, *Issuing and Controlling Identification Cards*

AFI 41-115, *Authorized Health Care and Health Care Benefits in the Military Health Services Systems*

DoDI 1342.24, *Transitional Compensation for Abused Dependents*
Privacy Act of 1974

Title 10, U.S.C., Subtitle A, Part II, Chapter 47, Sections 801-940, *Uniform Code of Military Justice*

Title 10, U.S.C., Subtitle A, Part II, Chapter 53, Section 1059, *Dependents of members separated for dependent abuse: transitional compensation; commissary and exchange benefits*

Title 10, U.S.C., Subtitle A, Part II, Chapter 55, Sections 1076(e) *Medical and dental care for dependents: general rule*

Title 10, U.S.C., Subtitle A, Part II, Chapter 71, Sections 1408(h), *Payment of retired or retainer pay in compliance with court orders*

Title 37, U.S.C., Chapter 7, Sections 401, *Definitions*

Title 38, U.S.C., Part II, Chapter 13, Subchapter II, Section 1311(a)(1), *Dependency and indemnity compensation to a surviving spouse*

Title 38, U.S.C., Part II, Chapter 13, Subchapter II, Section 1311(b), *Dependency and indemnity compensation to a surviving spouse*

Title 38, U.S.C., Part II, Chapter 13, Subchapter II, Section 1313, *Dependency and indemnity compensation to children*

★System of Records Notice F065 AFAFC J, *Pay and Allotment Records*

Abbreviations and Acronyms

AFPD—Air Force Policy Directive

CHAMPUS—Civilian Health and Medical Program

COE—Certificate of Eligibility

DFAS—Defense Finance and Accounting Service

DFAS-CL—Defense Finance and Accounting Service - Cleveland Center

DoD—Department of Defense

MPF—Military Personnel Flight

MTF—Medical Treatment Facility

OADS—Obligated Active Duty Service

OPR—Office of Primary Responsibility